

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHER DIVISION**

PATRICIA JO JONES,

Plaintiff,

Case No: 08-CV-12412-DT

v.

HONORABLE DENISE PAGE HOOD

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

/

**ORDER ACCEPTING REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Virginia M. Morgan's Report and Recommendation filed March 12, 2009. To date, no Objections have been filed to the Report and Recommendation.

Judicial review of the Commissioner's decision is limited in scope to determining whether the findings of fact made by the Commissioner are supported by substantial evidence, and deciding whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1989). An administrative

decision must be affirmed if supported by substantial evidence, even if the Court might arrive at a different conclusion. *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986) (quoting *Baker v. Heckler*, 730 F.2d 1147, 1150 (8th Cir. 1984)).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that on the facts of this case, the ALJ's hypothetical question was not flawed because the ALJ's findings reasonably accommodated all the restrictions and limitations imposed by the examining and reviewing physicians. Plaintiff argues that the ALJ did not discuss Exhibits 3F and 4F specifically in the opinion. Exhibits 3F and 4F are reports completed by Julia Crowther, Ph.D. The Court agrees with the Magistrate Judge that although not specifically noted by exhibit numbers, the ALJ directly refers to Dr. Crowther's reports when the ALJ gave "significant weight to the opinion of the State agency doctors." (R&R, p. 6) The Court also agrees with the Magistrate Judge that the findings of the ALJ are consistent with the various doctors' opinions and the record submitted by the parties.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Morgan filed March 12, 2009 (**Docket No. 9**) is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (**Doc. No. 7, filed October 2, 2008**) is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (**Doc. No. 8, filed November 3, 2008**) is GRANTED

IT IS FURTHER ORDERED that this matter is DISMISSED with prejudice.

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: May 27, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 27, 2009, by electronic and/or ordinary mail.

S/William F. Lewis  
Case Manager